

REMARKS

The Examiner has required restriction under 35 U.S.C. § 121 between two groups of claims. Group I includes claims 7-20 and Group II includes claims 21-33. Applicants respectfully traverse the rejection, but elect Group I with traverse in order to comply with 37 CFR § 1.143.

In reviewing the office action, Applicants note that the Examiner's descriptions for Groups I and II differ only in that Group II allegedly is a subcombination of Group I. Moreover, the office action acknowledges that Groups I and II are ***both "classified in class 324, subclass 142."*** (Office Action dated July 26, 2004 at p. 2) While no representations are made by the election herein concerning the merits of the Restriction Requirement with respect to the possible existence of multiple distinct inventions among the originally present claims, applicants note that section 808.02 of the MPEP specifically states:

Where, however, *the classification is the same and the field of search is the same* and there is no clear indication of separate future classification and field of search, ***no reasons exist for dividing among related inventions.***

Applicants submit that restriction between Groups I and II should not be required, because classification and field of search are admitted by the examiner to be exactly the same. According, applicants respectfully request examination of the two groups in the instant application.

Although applicant requests examination of both groups in the present application, applicant acknowledges that a procedural election of a single species is required. It is Applicants' understanding that this election is being made to aid the Examiner in conducting a search and examination of the claimed subject matter, and is not to be construed as limiting the scope of Applicants' claims. It is also Applicants' understanding that if the elected subject matter is found to be allowable over the prior art, the search and examination will be expanded to cover other species, until it includes the full scope of the generic claims included in the elected group. Applicants hereby elect Group I, which includes claims 7-20 for prosecution in connection with the instant application. Applicant expressly reserves the right to pursue the non-elected claims in a divisional patent application.

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Application No.: 10/617,844
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PATENT

The present application is believed to be in condition for examination on the merits.
Favorable examination leading to early allowance of this application is earnestly solicited.

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Vincent J. Roccia
Registration No. 43,887

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439